

NTSB Order No. EA-5112

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 28th day of September, 2004

MARION C. BLAKEY,
Administrator,
Federal Aviation Administration,

Complainant,

V.

STEVEN L. FOSTER,

Respondent.

Docket SE-16875

ORDER DISMISSING APPEAL

On July 2, 2004, respondent filed a notice of appeal from a June 29, 2004 oral initial decision of Administrative Law Judge Patrick G. Geraghty, affirming the Administrator's order of revocation.¹ However, respondent did not subsequently file a timely appeal brief,² and his appeal is therefore subject to dismissal under section 821.48(a) of the Board's Rules of

¹The Administrator's complaint sought revocation of any and all private pilot certificates held by respondent, including Private Pilot Certificate No. 259029196, pursuant to 49 U.S.C. Section 44709.

²Respondent's appeal brief was due on August 18, 2004.

Practice.³ See 49 CFR Part 821.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

Ronald S. Battocchi
General Counsel

³Section 821.48(a) provides, in relevant part, as follows:

§ 821.48 Briefs and oral argument.

(a) *Appeal briefs*...Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.